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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91203865
Party	Defendant Hewlett-Packard Development Company, L.P..
Correspondence Address	John Tiedge HEWLETT-PACKARD COMPANY 1115 SE 164th Avenue Suite 210 Vancouver, WA 98683 UNITED STATES john.tiedge@hp.com, malia.abril@hp.com
Submission	Answer
Filer's Name	John Tiedge
Filer's e-mail	john.tiedge@hp.com, malia.abril@hp.com
Signature	/John Tiedge/
Date	02/27/2012
Attachments	Mobile Device - Answer to Opposition.pdf (3 pages)(153397 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Apple, Inc.	§	
	§	
Opposer	§	
	§	
v.	§	Opposition No. 91203865
	§	
Hewlett-Packard Development	§	
Company, L.P.	§	
	§	
Applicant	§	

ANSWER TO NOTICE OF OPPOSITION

Hewlett-Packard Development Company, L.P., Applicant in the above-referenced proceeding, files this Answer to the Notice of Opposition. Paragraph numbers herein correspond to paragraph numbers in the Notice of Opposition.

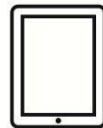
1. Applicant is without sufficient information to admit or deny the allegations of Paragraph 1 of the Notice of Opposition, and therefore the allegations are denied.
2. Applicant is without sufficient information to admit or deny the allegations of Paragraph 2 of the Notice of Opposition, and therefore the allegations are denied.
3. Admitted.
4. Admitted.
5. Admitted.
6. Denied.

Affirmative Defenses

1. Opposer relies in part on Application No. 85/040,770 (the “770 Application”) for the following mark (the “Alleged 770 Mark”):



2. Opposer authorized the following description of the Alleged 770 Mark to be entered in the 770 Application: “the mark consists of a simplified drawing of a mobile digital electronic communication device.”
3. The Alleged 770 Mark is invalid and not entitled to registration because it is non-distinctive and functional, lacks secondary meaning, and is substantially a common design used by many other manufacturers of mobile digital electronic communication devices.
4. Opposer relies in part on Application No. 85/025,647 (the “647 Application”) for the following mark (the “Alleged 647 Mark”):



5. Opposer authorized the following description of the Alleged 647 Mark to be entered in the 647 Application: “the mark consists of a simplified drawing of a mobile digital electronic communication device.”
6. The Alleged 647 Mark is invalid and not entitled to registration because it is non-distinctive and functional, lacks secondary meaning, and is substantially a common design used by many other manufacturers of mobile digital electronic communication devices.

WHEREFORE, Applicant prays that this Opposition be in all things denied and that Applicant's marks proceed to allowance.

Respectfully submitted,

/John Tiedge/

John Tiedge
Hewlett-Packard Company
1115 SE 164th Avenue
Columbia Center, Suite 210
Vancouver, WA 98683
Telephone: 360.975.6079

CERTIFICATE OF SERVICE

I certify that on February 27, 2012, a true and correct copy of this Answer to Notice of Opposition was sent via first class mail to Lisa G. Widup, Apple Inc., 1 Infinite Loop, MS: 36-4TM, Cupertino, CA 95014.

/Malia Abril/

Malia Abril